

RECEIVED

NOV 21 2017

CASCADE COUNTY PLANNING BOARD

August 15, 2017

9:00 am

Court House Annex
325 2nd Ave North

RECEIVED

NOV 21 2017

Board Members: Mark Carlson, Charles Kuether, Elliott Merja, Rob Skawinski, Ken Thornton, and Dan Johnstone

Notice: These minutes are paraphrased to reflect the proceedings of the Cascade County Planning Board, and are considered a draft until formally approved by the Planning Board.

Staff Present: Alex Dachs, Troy Hangen, Fernando Terrones, and Nadine Thares

Attendees: Neal Fortier, David Saenz, Marilynn & John Sheffels, Jana Cooper, Evelyn Vogl

1. **Call to order:** Vice-Chairman Mark Carlson called the meeting to order at 9:00 am

2. **Roll call:**

Board Members Present: Mark Carlson, Charles Kuether, Elliott Merja (late), Ken Thornton, and Dan Johnstone

Board Members Absent: Rob Skawinski

3. **Approval of Minutes:** May 16, 2017

Charles Kuether motioned to approve the minutes as submitted.

Ken Thornton seconded the motion.

All in Favor, Motion passes 4-0

4. **New Business:**

A. Public Hearing: Subsequent Minor Subdivision Preliminary Plat, An Amended Plat of lot 4 of The Medical Tech Park Minor Subdivision

Alex Dachs presented the staff report. Summation is as follows: the Cascade County Planning Board is in receipt of an application from John Sheffels and NeighborWorks Great Falls to recommend approval of the subsequent minor subdivision plat to the County Commissioners.

This proposed subdivision, an amended plat of Lot 4 of the Medical Tech Park Minor Subdivision is located in the SW 1/4 SE 1/4, S18, T20N, R4E, P.M.M., Cascade County, MT. There are no delinquent taxes on this property. The undeveloped property is zoned Urban Residential (UR), with the surrounding land uses being Commercial, Education, Agricultural and Residential.

The amended minor plat, would subdivide 29.474-acres into three (3) lots, ranging in sizes from 2.047 acres to 18.550 acres. Pursuant to 76-3-605, MCA a public hearing is required for this subsequent minor subdivision. An Environmental Assessment is required pursuant to 76-3-603(2), MCA (2015).

R0348007 CMS

Legal notice of this proposed subdivision was sent to surrounding property owners on August 1, 2017 and appeared in the Great Falls Tribune on July 30 & August 6, 2017. The City of Great Falls received a copy of the proposed three (3)-lot subdivision. Interested Agencies were provided with notification letters and a request for comments on July 31, 2017. Responses were received from the Public Schools and the Weed Division.

The proposed subdivision will be accessed via 24th Ave South. The applicant proposes to complete the internal road connection with easements for 20th Street South and 21st Ave South, and 23rd Street South would be dedicated as part of annexation. A private access easement will be provided to Lot 4B and Lot 4A. The plat will contain a statement that the roads must be constructed before any development or permits are issued for any of the lots remaining in the county. The requested action by the county is a subdivision, there should not be any more trips generated as part of this subdivision, as two lots are not proposing development, so no additional traffic will be generated. After one of the three parcels is annexed, the use on that parcel will be for multifamily dwellings.

Parkland dedication is a requirement of this proposed subdivision. The owner proposes to pay cash-in-lieu of parkland and those fees would be determined and would be paid prior to final plat approval. The project lies outside of the Height Military Overlay District. The property is not located in a regulated floodplain. The proposed subdivision would receive law enforcement services from the Cascade County Sheriff's Department and fire protection services from the Sand Coulee Fire Department and response time will be dictated by weather and road conditions. The parcel to be annexed would receive City of Great Falls Emergency Services. The project is located in the Wild Land Urban Interface as the property is adjacent to development in the city and county as well as adjacent to large undeveloped parcels with native grasses. The proposed subdivision is not planning to install the required fire cisterns, but would contain a statement on the plat that no development would take place on any of the parcels in the county until they are annexed or an appropriately sized fire cistern is installed of adequate size and approved by the local Fire Protection Authority having Jurisdiction.

CONCLUSION

This proposed subdivision meets the requirements of the Cascade County Subdivision Regulations, as well as Montana's Subdivision and Surveying Laws and Regulations.

RECOMMENDATIONS

The following recommendations are provided for the Board's consideration:

"I move that after consideration of the Staff Report and Findings of Fact for a subsequent minor subdivision of an Amended Plat of lot 4 of the Medical Tech Park Minor Subdivision, that the recommendation to the Cascade County Commission, be **denied**;

Or

"I move to recommend to the Cascade County Commission after consideration of the Staff Report and Findings of Fact, adopt said Staff Report and Findings of Fact and **approve**, a subsequent

minor subdivision, an Amended Plat of lot 4 of the Medical Tech Park Minor Subdivision, subject to the following conditions:

1. Having the developer's surveyor correct any errors or omissions on the preliminary plat;
2. Causing to be prepared certificates of title of the land in the subdivision to be recorded in conjunction with the final plat;
3. Submitting with the plat a certificate of a title abstracter showing the names of the owners of record of the land and the names of lien holders or claimants of record against the land (M.C.A. 76-3-612, 2015).
4. Causing to be recorded on the plat a statement concerning limited public services.
5. Pursuant to 7-22-2152 M.C.A. (2015), submitting a written plan to the Cascade County Weed Board specifying the methods for weed management procedures with regards to this development, as well as taking action to remove/eliminate noxious weeds present on the property before the final plat is filed.
6. Causing to be recorded on the plat an Agriculture Notification statement.
7. Causing to be recorded on the plat a statement that no building or development occurs on a lot in the county until annexation of that lot occurs or installation of the fire cistern of adequate size for all parcels remaining in the county size and approved by the local Fire Protection Authority Having Jurisdiction.
8. Causing to be recorded on the plat a statement that no building or development occurs on a lot until annexation occurs or the internal roads described as public street and utility easements on the final plat, have been constructed and provide physical access to the lot and connectivity to existing streets and roads.
9. A certificate of waiver of park land dedication and acceptance of cash in lieu thereof statement placed on the plat
10. Causing to be recorded in conjunction with the final plat, an agreement requiring property owners of each subdivision tract to take part in any Rural Special Improvement District (RSID) for the reconstruction, improvement or perpetual maintenance of any county road in the vicinity used to access the subsequent minor subdivision, an Amended plat of lot 4 of the Medical Tech Park minor Subdivision, or any other road that can be used to access these lots as determined by Cascade County, provided that all other property owners served by said road share equitably in such an RSID. This waiver shall expire 20 years after the date the final plat is filed with Cascade County. This statement of waiver shall be placed on the final plat.

11. An approved approach permit or evidence of an approved approach for the private easement off of 24th Ave South to lot 4B and which also provides access to lot 4A.

Board Questions:

Mark Carlson asked what the MCA number is for the parkland dedication.

Alex Dachs replied he missed adding that, but it is part of the subdivision regulations (MCA 76-3-621).

Charles Kuether asked for clarification on #12 (pg. 2) and #10 (conditions), as they seem to contradict each other, and why no additional trip counted as part of the subdivision.

Alex Dachs explained that #10 is for future development in the city annexation, it would not affect the county, as the development is occurring in the city.

Charles Kuether referred to #9 of the conditions and #13 (pg. 2), asked for clarification as they seemed to contradict each other also.

Alex Dachs replied that the fee has been calculated and the cash would be paid to the county commission for the parkland. Condition #9 refers to a statement that is required to be placed on the plat.

Public Comment Opened at 9:13 am

Applicant representative: Neal Fortier, NeighborWorks Great Falls, explained that this has been a 1-year project on a 124-unit in the 7-acre parcel. This subdivision, if approved, by the county, it would allow the city portion to move forward. The knapweed (49 bags) has been removed from the area.

Jana Cooper, TDH Engineering, was available for questions.

Proponents: None

Opponents: None

Public Comment Closed at 9:17 am

Board Decision:

Elliott Merja asked how the knapweed had been disposed of.

Mrs. Sheffels replied that Waste Management hauled them off.

Charles Kuether motioned to approve recommend to the Cascade County Commission after consideration of the Staff Report and Findings of Fact, adopt said Staff Report and Findings of Fact and **approve**, a subsequent minor subdivision, an Amended Plat of lot 4 of the Medical Tech Park Minor Subdivision, subject to the following conditions:

1. Having the developer's surveyor correct any errors or omissions on the preliminary plat;
2. Causing to be prepared certificates of title of the land in the subdivision to be recorded in conjunction with the final plat;
3. Submitting with the plat a certificate of a title abstracter showing the names of the owners of record of the land and the names of lien holders or claimants of record against the land (M.C.A. 76-3-612, 2015).
4. Causing to be recorded on the plat a statement concerning limited public services.
5. Pursuant to 7-22-2152 M.C.A. (2015), submitting a written plan to the Cascade County Weed Board specifying the methods for weed management procedures with regards to this development, as well as taking action to remove/eliminate noxious weeds present on the

property before the final plat is filed.

6. Causing to be recorded on the plat an Agriculture Notification statement.

7. Causing to be recorded on the plat a statement that no building or development occurs on a lot in the county until annexation of that lot occurs or installation of the fire cistern of adequate size for all parcels remaining in the county size and approved by the local Fire Protection Authority Having Jurisdiction.

8. Causing to be recorded on the plat a statement that no building or development occurs on a lot until annexation occurs or the internal roads described as public street and utility easements on the final plat, have been constructed and provide physical access to the lot and connectivity to existing streets and roads.

9. A certificate of waiver of park land dedication and acceptance of cash in lieu thereof statement placed on the plat

10. Causing to be recorded in conjunction with the final plat, an agreement requiring property owners of each subdivision tract to take part in any Rural Special Improvement District (RSID) for the reconstruction, improvement or perpetual maintenance of any county road in the vicinity used to access the subsequent minor subdivision, an Amended plat of lot 4 of the Medical Tech Park minor Subdivision, or any other road that can be used to access these lots as determined by Cascade County, provided that all other property owners served by said road share equitably in such an RSID. This waiver shall expire 20 years after the date the final plat is filed with Cascade County. This statement of waiver shall be placed on the final plat.

11. An approved approach permit or evidence of an approved approach for the private easement off of 24th Ave South to lot 4B and which also provides access to lot 4A.

Ken Thornton seconded the motion.

All in Favor, Motion passes 5-0

B. Public Hearing: Conservation Easement – Ross and Janet Thayer

Request for Comments from Cascade County Planning Board

Troy Hangen presented the conservation easement. Board members were asked to add any advisory comments or question, which would be forwarded to the Montana Land Reliance.

According to 76-6-206, MCA, "...all conservation easements shall be subject to review prior to recording by the appropriate local planning authority for the county within which the land lies. It shall be the responsibility of the entity acquiring the conservation easement to present the proposed conveyance of the conservation easement to the appropriate local planning authority. The local planning authority shall have 90 days from receipt of the proposed conveyance within which to review and to comment upon the relationship of the proposed conveyance to comprehensive planning for the area. Such comments will not be binding on the proposed grantor or grantee but shall be merely advisory in nature. The proposed conveyance may be recorded after comments have been received from the local planning authority or the local planning authority has indicated in writing it will have no comments or 90 days have elapsed, whichever occurs first."

Ross and Janet Thayer would like to place a conservation easement on a 389-acre property east

of Belt. The property is presently being used for cattle grazing and hay operations and the owners have no interest of seeing it developed in the future. The land is located within Cascade County and is bordered by private land. It is located near the Little Belt Creek. The legal description of the property is Geocode: 2897-29-2-03-01, 2897-30-3-01-01, & 2897-31-2-01-01.

Existing Development:

Residence, two shops, several agricultural structures.

Permitted Development:

- Existing residence in a 16-acre building envelope.
- Agricultural structures on permanent foundations must be located within the building envelope.
- The property will transfer as one property only.

According to the Deed of Conservation Easement:

- *"The property has significant scenic and open-space values as recognized in the Montana Open Space Land and Voluntary Conservation Easement Act (MCA 76-6-101)."*
- *"The property constitutes a valuable component of the scenic and open space lands in the Little Belt Creek drainage and the property remains largely undeveloped and retains its agricultural and natural habitat characteristics."*
- *"Preservation of the scenic and open space values found on the properties provides substantial benefits to the people of the State of Montana, Cascade County, and the United States by preserving and providing the following significant resources, in perpetuity, in compliance with MCA 76-6-101:"*
 - *Open space lands which maintain the rural, agricultural, and natural scenic qualities of the area and provide opportunities to continue traditional farming and ranching practices in perpetuity, as encouraged and supported by the federal tax policies, the private land protection policies of the State of Montana, and clearly delineated local land conservation policies adopted in Cascade County, Montana."*
 - *Scenic views of a historic Montana landscape and working agricultural lands in the Little Belt Creek drainage that are enjoyed by members of the general public traveling Little Belt Creek Road and Willow Creek Road, public roadways that border and/or traverse the Property;*
 - *Retention of significant scenic open space for a variety of other uses, including relatively natural fish, and wildlife for various species, including but not limited to, elk, black bear, antelope, upland game birds, waterfowl, and various other bird species, all of which use the Property.*

Conclusion

The proposed conservation easement will preserve ranch lands, and scenic open space. Staff will forward any comments that the Planning Board has to the grantee (The Montana Land Reliance). The proposal is in general compliance with Cascade County's Growth Policy in that it preserves agricultural lands and scenic open space.

Board Comments and Questions:

Charles Kuether asked for clarification the term "limit the number of transfers". What happens if they want to transfer some of it to family?

Alex Dachs explained that there would be restrictions on any development and because they plan to have all the acreage combined into one parcel, any transfer would be one large parcel of 389-acres. That one parcel could be transferred to a family member, but it could not be broke into smaller parcels.

Troy Hangen added the only development allowed would be in the 16-acre stretch.

Elliott Merja & Ken Thornton wanted to know if the conservation easement could be removed.

Alex Dachs was not sure

Fernando Terrones stated that it would have to go through the process similar to an agricultural removal in front of this board and the County Commission Board. He added that he would check further into it.

Charles Kuether said it might include taxes, because the owner receives a tax break.

Mark Carlson asked if neighbors commented on it.

Alex Dachs replied no.

Elliott Merja asked where the access to the land was.

Troy Hangen replied that it looks like the far end of Little Belt Rd, near the Cascade & Judith Basin county line.

5. Old Business: none

6. Board Matters:

Elliott Merja asked about the Sun River Fire Department. What would the DEQ require?

Alex Dachs replied the office is looking into a utility exemption for the Sun River Fire Dept.; we would like to get them out of the subdivision review. Alex recommended that the fire department get with the city county health department about the fees and requirements.

7. Public Comments Regarding Matters within the Board's Jurisdiction: None

8. Adjournment:

Ken Thornton motioned to adjourn.

Charles Kuether seconded motion

All in Favor, Motion passes 5-0.

Meeting adjourned at 9:35 am

Elliott Merja
Elliott Merja or Mark Carlson

11/21/17
Date

Brian K. Clifton
Brian K. Clifton

11/21/17
Date